

TOWN OF TRURO  
BOARD OF SELECTMEN  
MEETING OF TUESDAY, JANUARY 9, 2007

The Truro Board of Selectmen met for their weekly session on Tuesday, January 9, 2007 at 6:00 p.m. at the Truro Town Hall, 24 Town Hall Road, Truro. In attendance were: Chairman Alfred Gaechter, Vice-Chairman Gary Palmer, Clerk Christopher R. Lucy, Curtis Hartman, Jan Worthington, Town Administrator Pamela Nolan, Administrative Secretary Julie DuPree, Assistant Town Administrator Charleen Greenhalgh, Martha Nagy, Susan Kadar, Tracey Rose, Dianne Eib, Claire Perry, Deb Camuso, Lucy Brown, Kyle Takakjian, Carol Nickerson, Mark Peters, Art Hultin, Jeff Coho, Ronnie Farrell, Susan Rohrbach, Anne Hartman, Tom Nadeau, and Steve Desroche of the Cape Codder.

Mr. Gaechter convened the meeting at 6:00 p.m. He made special note of the passing away of former Selectman Lloyd Rose, and asked for a moment of silence in his memory.

**Minutes: Mr. Palmer moved to approve the minutes of the regular session of December 19, 2006, as presented. Mr. Hartman seconded it. Vote: 5-0, unanimous.**

**Public Comment:** Ms. Camuso expressed her concerns with recent actions of the Board of Health. She was concerned that the recently revised regulations of the Board of Health were much stricter and that the BOH did not have to get Town Meeting approval of its regulations. She felt that the BOH needs to better inform citizens of how they will be impacted by the changes in the regulations. She also questioned why the regulation of required footage between well and septic had been changed from 100' to 150'; the BOH is making lots unbuildable. She was concerned that there is a lack of cooperation with applicants. She gave her recent interaction with the BOH as an example. Mr. Gaechter responded that awareness is a problem with all the regulatory Boards; no one shows up to the advertised public hearings. The BOS does not have answers to this problem. Ms. Eib explained the timeframe for the particular septic upgrade that Ms. Camuso had referred to, and explained the lengthy process the BOH had followed in revising their regulations, working with the Health Agent, and Town Counsel. Discussion continued on whether the BOH should be able to revise its regulations without getting Town Meeting Approval, and the problem with lack of interest in attending regulatory board's public hearings. Ms. Worthington felt that more needed to be done to inform the public of these hearings. Mr. Gaechter noted that he and Mr. Palmer would be attending the next BOH meeting. The BOS is grateful for what the BOH does. Ms. Perry questioned if there is a process whereby the BOH could be made to go back to its old regulation of 100'. Ms. Eib explained that there is recourse through the granting of variances. She outlined the variance process, and that properties are looked at on an individual basis and the Board is always willing to work with people. Mr. Gaechter told Ms. Camuso that he will ask Town Counsel about an appeal process for Board of Health decisions, and what steps can be taken if townspeople do not like a BOH regulation.

**Update on MESA:** Mr. Gaechter took this agenda item out of order so that Ms. Greenhalgh could leave to attend the Planning Board meeting. Ms. Greenhalgh told the BOS that she has received a copy of the revised MESA map. Some changes have been made. She reported on the meeting with the NHESP on the Community Center project. They have made requests that she feels are fairly reasonable. Mr. Gaechter questioned the granting of a blanket Conservation Restriction, and was assured by Ms. Nolan that this was all tentatively agreed to. They discussed

the condition that the kettle hole be restored, and the condition that replanting of areas be done with native species. Mr. Gaechter said his concern is that what the town does with the Community Center will be setting a precedent for townspeople in dealing with this agency.

**Public comment, continued:** Mr. Gaechter asked if anyone else had a public comment. Mr. Coho informed the BOS that he had followed the chain of command and reported to April Silva that ropes are not in all the fire/rescue vehicles as is required for proper safety. He also reported this to the BOFE. After he made this complaint, someone dropped a jug of foam on his foot and remarked that this is what he gets for saying anything. That person was Mr. Daniel Silva. Mr. Coho went on to say that he is concerned that the Fire Chief is padding the Fire Department with his family, and not for the lack of qualified candidates. He has sent a letter to the State Ethics Commission regarding these recent appointments and that the Chief did not disclose his relationships before the appointments were made. He outlined other concerns he had with the Fire Department, including hazards in the building, and the lack of a preplan. Ms. Worthington told Mr. Coho that in a town the size of Truro it would be hard to fill every position without appointing relatives, and while some of his ideas regarding ropes, preplans, and inspections were good ideas, she countered some of his other allegations regarding procedures. Mr. Gaechter told him that the BOFE was on their next agenda, and these issues would be added to that discussion.

Ms. Rohrbach of Senator O'Leary's office updated the Board on legislation the Senator will be filing.

**Appointment: County HOME Consortium: Mr. Gaechter nominated Arthur Hultin to serve as Truro's representative to the Barnstable County HOME Consortium. Mr. Hartman seconded it. Vote: 5-0, unanimous.**

**Affordable Housing Plan:** Ms. Kadar reported that there is another active housing organization in town, and that is Highland Affordable Housing. She told the BOS that they will be receiving a letter of resignation from Jennifer Morris. She has told the Housing Authority that she is too busy to serve. Ms. Kadar went over the funding of this plan, and three phases of the process. She pointed out that the plan has to be approved by the BOS and then sent to the State for approval as well. She feels they will need a much more robust Housing Authority to implement this plan. Mr. Gaechter said it was a good plan and very well written. Mr. Hartman was concerned that the plan stressed the 80% below median income group, and not the kindergarten teacher or policeman that they all discussed were in need of affordable housing. It was explained that the Housing Authority must show they are still working towards meeting 40B to obtain state grants; the plan must be acceptable to the State. Mr. Hartman said he hoped the Housing Authority was working with the Planning Board. An example, using the change to year-round condo use to help provide affordable housing, either with the requirement that units be set aside, or that a one-time fee be paid. Mr. Gaechter had a problem with inclusionary zoning definition. Ms. Kadar was not sure if they could change it, but would talk to the consultant about it. Mr. Lucy commented that part of the problem was the availability of land for this use. Ms. Kadar requested that the Housing Authority be placed on a February agenda to discuss two parcels of land the Housing Authority has. Mr. Gaechter said he would also like to discuss another town-

owned parcel that he would like to see go before ATM to be deeded to the Housing Authority.

**Interview: Town Building Committee:** Ms. Farrell has applied to fill a vacancy. She is a building contractor, likes buildings, and has the time to serve. Ms. Nolan noted that Ms. Nagy had to leave the meeting, but wanted the BOS to know that the TBC will be happy to welcome Ms. Farrell to the TBC. **Mr. Palmer moved to appoint Ms. Farrell to serve on the Town Building Committee. Ms. Worthington seconded it. Vote: 5-0, unanimous.**

**Licensing requests: Request to close for a period of time from the Blacksmith Shop Restaurant:** Ms. DuPree explained that she had received this request on December 18<sup>th</sup>, but the BOS was not meeting for two weeks and so could not act on it. The restaurant has since closed, but this is a usual request and although the restaurant had closed without getting their permission, she would recommend that the Board grant it. **Mr. Palmer moved to grant the request of the Blacksmith Shop Restaurant to close during the month of January and reopen on February 14, 2007. Mr. Hartman seconded it. Vote: 5-0, unanimous.**

**Renewals:** Mr. Palmer moved to approve the renewal of Common Victualler's licenses to Adrian's Restaurant, Babe's Bakery, Beach Point Grill, Blacksmith Shop Restaurant, Days Cottages/Market, Dutra's Market, The Filling Station, Fred's, Highland Dairy General Store, Highland Links Golf Course, Jams, Montano's Restaurant, Noreen's Bistro, Terra Luna Restaurant, Truro Sea Grill, Village Café, and Whitman House Restaurant; and Week-day entertainment licenses to Adrian's Restaurant and Payomet Performing Arts Center; and Lodging House licenses to The Gingerbread House, Moorland's House, and Truro Vineyards of Cape Cod; and Transient Vendor licenses to Days Cottages/Market, Hillside Farmstand, North of Highlands Campgrounds, and Perry's Furniture. **Mr. Hartman seconded it. Vote: 5-0, unanimous.** Mr. Gaechter noted that the Truro Vineyards has been sold and will be operated as a vineyard by the new owners.

**Town Administrator's Report: (action items)**

- Reported that she has received verbal approval from MAHighway to use the property off Route Six for the Flex bus stop, and written permission will follow. Mr. Hartman was concerned that if the new stop at Truro Central Village on Route Six was to be year-round, it would be very hazardous in the summer months. Ms. Nolan will check to see if this is to be a bus stop just in the off-season.
- Received a letter from the Shellfish Advisory Committee recommending that there be no fee increases. Mr. Gaechter asked Ms. Nolan to find out when the FinCom can meet jointly with the BOS on fees; there will need to be lead time so the Town Accountant can get the fee figures for them.

**Next week's agenda: BOFE, request from Town of Kingston, request from Chief Thomas and request for memorial bench plaque.** Mr. Gaechter said that if the BOFE and Fire Chief cannot come next week the meeting will be cancelled.

**Selectmen/Liaison Reports: (action items)**

**Gaechter:** -Reported that he had been asked by the owner of Top Mast that the BOS attend his ZBA and Planning Board hearings and give their opinion of his project, as abutters. All agreed that they should not do this routinely, but only if something were going to seriously impact the town. The Board Secretary is to provide the members with the hearing notices when the town is an abutter.

- Reported that he called Town Counsel to ask what the BOS would be required to do if someone objected to being recorded at a Selectmen's meeting. All agreed that the Board has the responsibility to inform of the taping, but not to turn it off.

**Lucy:** -Communicated his concern that the BOS had allowed Jeff Coho to go on too long under Public Comment because he brought up issues regarding employees. He also commented on Deb Camuso's public comment, and that under public comment, the Board should let people make their points, but not let it go on so long. They discussed her requesting to be on the agenda that evening, the role of the BOS when citizens have complaints about regulatory Boards such as the BOH, what authority, other than appointment, the BOS has over the BOH, and what citizens can do when they disagree with a BOH regulation.

**At 8:44 p.m. Mr. Lucy moved to adjourn, with Mr. Palmer seconding. Vote: 5-0, unanimous.**

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Alfred Gaechter, Chairman

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Gary Palmer, Vice-Chairman

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Christopher R. Lucy, Clerk

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Curtis Hartman

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Janet W. Worthington

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